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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FIVE

TERILYN CARTER-GARRETT, et
al.,

Plaintiffs and Respondents,

v.

CHANG WANG, et al.,

Defendants and Appellants.

A155643

(Solano County
Super. Ct. No. FCS048808)

In this landlord-tenant dispute, several tenants (Tenants) sued their landlords Chang Wang and Yen Wang (Landlords) for breach of the implied warranty of habitability and related claims. Following a six-day jury trial, judgment issued in favor of Tenants.

Landlords appeal the judgment, arguing multiple claims of error. The record on appeal includes a clerk’s transcript of more than 600 pages and a reporter’s transcript of more than 1500 pages. However, Landlords’ opening brief contains only three citations to the record.

California Rule of Court, rule 8.204(a)(1)(C) requires that appellate briefs “[s]upport any reference to a matter in the record by a citation to the volume and page number of the record where the matter appears.”

Accordingly, “ [a]ny statement in a brief concerning matters in the appellate record—whether factual or procedural and no matter where in the brief the

reference to the record occurs—*must be supported by a citation to the record.*’ ” (*Professional Collection Consultants v. Lauron* (2017) 8 Cal.App.5th 958, 970.) “ ‘The appellate court is not required to search the record on its own seeking error.’ [Citation.] Thus, ‘[i]f a party fails to support an argument with the necessary citations to the record, . . . the argument [will be] deemed to have been waived.’ ” (*Nwosu v. Uba* (2004) 122 Cal.App.4th 1229, 1246.)

In their response brief, Tenants note the opening brief’s dearth of record citations, provide legal authority that such citations are required, and argue the appeal should be affirmed “on that ground alone.” Yet Landlords’ reply brief contains no record citations. Instead, Landlords suggest their failure to provide record citations was excusable because their opening brief “was submitted prior to the record being augmented.” The record was augmented with the reporters’ transcript for one day of trial—designated as part of the appellate record but not prepared by the court reporter—and was requested by Tenants after Landlords filed their opening brief.¹ We see no reason why the absence of this reporter’s transcript, which apparently went unnoticed by Landlords, should excuse their noncompliance with the Rules of Court. Even assuming the omitted record impaired their ability to provide record citations in their opening brief, they made no attempt to remedy the situation by providing these citations in their reply brief.

Landlords are “not exempt from the foregoing rules because [they are] representing [themselves] on appeal in propria persona. Under the law, a party may choose to act as his or her own attorney. [Citations.] ‘[S]uch a party is to be treated like any other party and is entitled to the same, but no

¹ Landlords requested, and were granted in whole or in part, four extensions of time to file their opening brief.

greater consideration than other litigants and attorneys. [Citation.]’ [Citation.] Thus, as is the case with attorneys, pro. per. litigants must follow correct rules of procedure.” (*Nwosu v. Uba, supra*, 122 Cal.App.4th at pp. 1246–1247.) Landlords have “failed to comply with appellate rules of procedure” by failing to provide sufficient record citations for any of their challenges, and “[w]e therefore find that [Landlords] ha[ve] waived such challenges on appeal.” (*Id.* at p. 1247.)

DISPOSITION

The judgment is affirmed. Respondents are awarded their costs on appeal.

SIMONS, Acting P.J.

We concur.

BURNS, J.

REARDON, J.*

(A155643)

* Judge of the Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.